

REMARKS

After the foregoing Amendments, claims 3-4, 7-12, 15-18, 22-25, 30, 32-33, 39, 41-42 and 49-52 are pending in the application. Claims 1-2, 5-6, 13-14, 19-21, 26-29, 31, 34-38, 40, 43-48 and 53-58 have been cancelled without prejudice. Claims 3-4, 8, 11, 16, 23 and 50 which were indicated to be allowable, have been amended into independent form by including all the limitations of the original base claims and any intervening claims. Claim 9, which originally depended from claim 2, has been amended to now depend from claim 8. Accordingly, no new matter has been added to amended claims 3-4, 8-9, 11, 16, 23 and 50.

CLAIM REJECTIONS

Double Patenting

The Examiner provisionally rejected claims 3-7, 22-23, 30-31 and 39 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-8, respectively, of copending Application No. 10/813,929 ('929 application). The Examiner has provisionally rejected claims 15-17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4, 6 and 8, respectively, of the '929 application in view of U.S. Patent No. 5,172,720 (Richards). The Examiner has also provisionally rejected claims 49-50 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4 and 6, respectively, of the '929 application in view of U.S. Patent No. 3,561,467 (Lutz). The Examiner argues that although the conflicting claims are not identical, they are not patentably distinct from each other because they merely recite like elements using different terminology and/or phraseology. Applicant respectfully traverses this rejection.

The above-listed '677 application and the present application are commonly owned by Pacific Industrial Co., Ltd. Therefore, while not necessarily agreeing with the Examiner's rejections and arguments, Applicant is filing herewith a Terminal Disclaimer and Statement of Common Ownership in compliance with 37 C.F.R. § 1.321(c) ("Terminal Disclaimer") and a

Statement Under 37 C.F.R. § 3.73(b) in order to overcome the double patenting rejection. In view of the Terminal Disclaimer, Applicant respectfully requests that the Examiner reconsider and withdraw the obvious-type double patenting rejection of claims 3-7, 15-17, 22-23, 30-31, 39, and 49-50.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected claims 1-2, 5-6, 13-14, 28-29, 31, 34, 37-38, 40, 43 and 46 under 35 U.S.C. § 102(b) as being anticipated by Richards. Claims 1-2, 5-6, 13-14, 28-29, 31, 34, 37-38, 40, 43 and 46 have been cancelled, rendering this rejection moot.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 19-21, 26-27, 35-36, and 44-45 under 35 U.S.C. § 103(a) as being unpatentable over Richards in view of U.S. Patent No. 4,462,449 (Zabel). The Examiner also rejected claims 47-48 and 53-58 under 35 U.S.C. § 103(a) as being unpatentable over Richards in view of Lutz. Claims 19-21, 26-27, 35-36, 44-45, 47-48 and 53-58 have been cancelled, rendering these rejections moot.

CONCLUSION

In view of the foregoing Amendment and remarks, Applicant respectfully submits that the present application, including claims 3-4, 7-12, 15-18, 22-25, 30, 32-33, 39, 41-42 and 49-52, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,
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